

REMARKS

Claims 1-3 were pending in this application. Claim 1 was rejected. Claims 2 and 3 were allowed. Claim 1 is currently amended. Claims 4 and 5 are new. Reconsideration is respectfully requested.

Applicant appreciates both the indication of allowability of claims 2 and 3 and the careful consideration of all pending claims by the Office. However, Applicant believes that claim 1 as currently amended better represents the subject matter and scope of the invention than claims 2 and 3.

Claim 1 was rejected under 35 U.S.C. 103(a) over Ueda in view of Soomro. The Office cites Soomro as teaching a message indicative of intent to utilize the selected channel. Applicant had previously argued that claim 1 distinguished Soomro because the Soomro message is more fixed than intent. In the current OA, the Office provides a definition of “intent” that Applicant believes supports Applicant’s previous argument. In particular, Applicant believes that an “anticipated outcome that is intended” is not guaranteed to actually occur. This distinction is significant because Soomro has no way to stop the migration to the new channel once the message is sent, whereas the presently claimed invention can alter the decision to use the channel in the time period after the message has been sent but before normal communications have commenced. Since Soomro cannot stop the migration once the message is sent, Applicant submits that the Soomro message is not an intent message, but rather an irreversible instruction. Similarly, Ueda fails to show any step in Figure 4 between “indicating communication channel” S13 and “communication” S15. Applicant therefore respectfully traverses.

Despite the distinction discussed above, claim 1 has been amended to further distinguish the cited references. In particular, claim 1 now recites circuitry for resolving a channel selection

collision that is detected after the intent message has been sent, but before utilizing the selected channel for normal communications. New claims 4 and 5 recite specific techniques for resolving such a channel selection collision. Support for the claim amendment and new claims is in the specification at pages 20-21.

Although not specifically recited in the claims, it should be noted that the Soomro and Ueda messages serve the purpose of coordinating the stations associated with an access point. There is no indication that those messages are used by other access points in any way. In contrast, the intent message recited in claim 1 coordinates access points in relation to each other for channel selection. This distinction is at least implicit in the recited limitation of circuitry for resolving channel selection collision.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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